



1742

ocket No.: 50195-261

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hideaki ONO, et al.

Serial No.: 09/893,892

Group Art Unit: 1742

Filed: June 29, 2001

Examiner: J. Sheehan

For: EXCHANGE SPRING MAGNET POWDER AND A METHOD OF
PRODUCING THE SAME

4/ps
9/19/02

RESPONSE TO OFFICIAL ACTION

Commissioner for Patents
Washington, DC 20231

Sir:

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This is in reply to the Official Action dated August 13, 2002 in this application.

In the action, restriction was required between Group I, claims 1-4 and 13, drawn to a magnet powder containing a rare earth element, and Group II, claims 5-12, drawn to a method of making a powder containing a rare earth element.

In response to this requirement, Applicants elect the invention of Group I, claims 1-4 and 13. The requirement for restriction is traversed and reconsideration is requested.

As the Examiner notes, the claims in this application are directed to a product and its process of preparation. The Examiner holds that these two groups of claims are subject to restriction because the process as claimed could be used to make other materially different products or the product could be made by another materially different process. Applicant submits the reasons for the restriction requirement are insufficient to comply with the rules. Clearly a product and its method of preparation constitute a single

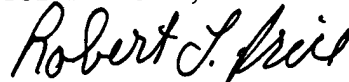
inventive concept and claims to both the product and its method of preparation should be examined in a single application. The Examiner's suggestions that the process could be used to make a different product or the product could be made by a different process are not believed to be sufficient to meet the requirements of MPEP 806.05(f). Therefore, the requirement is traversed and reconsideration is requested.

It is believed that the above represents a complete response to the Official Action and action on the merits is now in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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